

modifications, specifically for the purpose of consolidating the schedule of this case with the 349 Case, are sought for purposes of streamlining the two related proceedings and achieving efficiency for the parties and the Court.

The parties by this motion further propose to consolidate this action with the related 349 Case, which involves the same plaintiff, the same patent, and overlapping issues of law and fact, for all pretrial purposes. The parties believe they have good cause to request and have such granted, because the consolidation of schedules in the two actions will decrease duplicative pretrial decisions, conserve resources of the parties, and promote the judicial efficiency and the administration of justice of the Court, avoiding unnecessary costs or delays. Accordingly, the parties respectfully request that the Court consolidate this case with the 349 Case for all pretrial purposes pursuant to its authority under Federal Rule of Civil Procedure 42(a), with all filings to be filed in the 349 Case.

Having agreed upon the terms included therein and shown good cause, the parties respectfully request the Court grant this Motion and enter the Proposed Docket Control Order, attached as Exhibit A, and further consolidate this matter with the 349 Case.

Dated: December 18, 2023

Respectfully submitted,

/s/ Jason McManis

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 18, 2023, a true and correct copy of the foregoing document was served via electronic delivery to all counsel of record.

/s/ Jason McManis
Jason McManis

CERTIFICATE OF CONFERENCE

The parties have met and conferred on December 11, 12, and 14, 2023 to discuss the relief requested in this Motion. This motion is agreed and filed jointly by the parties.

/s/ Jason McManis
Jason McManis